



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,522	01/04/2002	Charles Mehrmann	0675-037US1	7309

7590 04/08/2003

Leslie Meyer-Leon, Esq.  
IP Legal Strategies Group P.C.  
901 Main Street  
P.O. Box 280  
Osterville, MA 02655-0280

EXAMINER

BOTTORFF, CHRISTOPHER

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/037,522

Applicant(s)

CHARLES MEHRMANN ET AL.

Examiner

Christopher Bottorff

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on April 5, 2002 has been considered by the examiner.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the concave and convex qualities of the side edges must be shown or the feature(s) canceled from the claim(s). Also, the asymmetrical quality of the side edges and the ends must be shown or feature(s) canceled from the claim(s). No new matter should be entered.

Figures 4 and 5 show different dimensions for the trailing upturned bottom region 7c. In Figure 4, the dimensions of the trailing upturned bottom region 7c appear to be the same as the leading upturned bottom region 7b, which suggests that the upturned end portions are symmetrical. In Figure 5, the dimensions of the trailing upturned bottom region 7c appear to be different from the leading upturned bottom region 7b, which suggests that the upturned end portions are asymmetrical. However, the specification does not indicate that Figure 5 is the depiction of asymmetrical end portions. Applicants' assistance in clarifying the distinction between Figures 4 and 5 would be appreciated. For the purposes of examination, Figure 5 has been interpreted as depicting asymmetrical upturned end portions.

Art Unit: 3618

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szabad, Jr. US 4,850,913 in view of Wolf US 6,290,249.

Szabad, Jr. discloses a sliding device comprising an elongate member having a soft foam core formed of low density polyethylene material. See column 2, lines 12-22. A bottom surface of the elongate member has a slick skin, and an upper surface of the elongate member includes a traction material. See column 2, lines 3-11 and lines 23-51, and column 3, lines 13-18. Moreover, Applicants acknowledge this on page 5, lines 10-15, of the present specification. Szabad, Jr. does not disclose that the shape of the elongate member includes an intermediate portion with a substantially planar bottom region, two symmetrical or asymmetrical upturned end portions, symmetrical side edges, and wherein the soft foam core extends within the intermediate portion and each upturned end portion.

Art Unit: 3618

However, Wolf teaches a sliding device with the well known shape of an intermediate portion 16 with a substantially planar bottom region, two symmetrical or asymmetrical upturned end portions 18a and 18b, and symmetrical side edges 24a and 24b. See Figures 1-3 and column 2, lines 36-38. From the teachings of Wolf, forming the sliding device of Szabad, Jr. with the shape of an intermediate portion with a substantially planar bottom region, two symmetrical or asymmetrical upturned end portions, and symmetrical side edges would have been obvious to one of ordinary skill in the art at the time the invention was made. This would allow an operator to manipulate the device in a manner that is similar to the operation of a skateboard since the shape of the device mimics the shape of a common skateboard.

In regard to claim 11, Wolf also teaches that the material forming the central core of elongate member 12 extends within the intermediate portion and each upturned end portion. See Figure 2. From the teachings of Wolf, extending the core of Szabad, Jr. within the intermediate portion and each upturned end portion would have been obvious to one of ordinary skill in the art at the time the invention was made. This would allow the entire length of the elongate member to benefit from the core and slick skin structure.

In regard to claim 8, the examiner takes official notice that the practice of using asymmetrical side edges on a sliding device was old and well known in the art at the time the invention was made. Forming the side edges of the device of Szabad, Jr. with asymmetry would have been obvious to one of ordinary skill in the art at the time the invention was made so that the side edges would have distinct maneuvering

Art Unit: 3618

characteristics in specific locations, while maintaining normal maneuvering characteristics along other locations on the side of the device.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Szabad, Jr. US 4,850,913 in view of Wolf US 6,290,249 as applied to claim 1 above, and further in view of Spiers US D451,162.

Szabad, Jr. does not disclose a handle on the sliding device. However, Spiers teaches a sliding device with a handle. See Figure 1. From the teachings of Spiers, providing the device of Szabad, Jr. with a handle would have been obvious to one of ordinary skill in the art at the time the invention was made in order to give the operator greater stability and control while maneuvering.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szabad, Jr. US 4,850,913 in view of Hunter US 5,096,217.

Szabad, Jr. discloses the sliding device described above in regard to claim 1. Szabad, Jr. does not disclose that the shape of the elongate member includes an intermediate portion with a substantially planar bottom region, two end portions, and side edges that are concave, convex, or asymmetrical.

However, Hunter teaches a sliding device with the well known shape of an intermediate portion with a substantially planar bottom region, two end portions, and symmetrical side edges that are concave and convex. See Figures 2 and 3, and note the convex shape of the side in region 4 and the concave shape of the sides in region 5

Art Unit: 3618

in Figure 3. From the teachings of Hunter, forming the sliding device of Szabad, Jr. with the shape of an intermediate portion with a substantially planar bottom region, two end portions, and side edges that are concave and convex would have been obvious to one of ordinary skill in the art at the time the invention was made. This would enhance the control and maneuverability of the device.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ahn, Pfeifer, Howarth, Jr., Johnston et al., Ritchie et al., Boatwright, Smith, Krafft et al., Ellman, Lavecchia et al., Mehrmann et al., Peart, Jeandin, Cummings, and Porte disclose sliding devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (703) 308-2183. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Application/Control Number: 10/037,522

Page 7

Art Unit: 3618

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in cursive script, appearing to read "Christopher Bottorff".

Christopher Bottorff  
March 22, 2003